

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVON WASHINGTON, PARIIS TILLERY,
JOHN DOE, and STEVEN ESPINAL, *on behalf of*
himself and all others similarly situated,

Plaintiffs,

-against-

THE CITY OF NEW YORK et al.,

Defendants.

No. 18-CV-12306 (CM)

DECLARATION OF KATHERINE ROSENFELD

I, KATHERINE ROSENFELD, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner in the firm of Emery Celli Brinckerhoff & Abady LLP, co-counsel for Plaintiffs in this action, and an attorney admitted to practice in the Southern District of New York. I make this declaration in support of Plaintiff Steven Espinal's motion for class certification.

2. In the course of Plaintiffs' investigation of this case, my co-counsel and I have spoken to as many New York City detainees as practicable who were either detained at the Albany County Jail or had previously been detained at the Albany County Jail, as well as with their legal counsel and their family members. Altogether, we communicated directly or indirectly with at least 13 current and former transferred detainees.

3. To our knowledge, all of the transferred detainees with whom we communicated were under age 30, and a significant portion (approximately half) were under age 22.

4. To our knowledge, with only one or two possible exceptions, all of the transferred detainees were indigent and had appointed counsel in their underlying criminal cases.

5. Annexed as Exhibit 1 is a copy of a DOC spreadsheet detailing substitute jail orders issued for DOC inmates from January 1, 2012 to June 19, 2018.

6. Annexed as Exhibit 2 is a copy of a FOIL response from the State Commission of Correction to Attorney Robert Quackenbush dated November 15, 2018.

7. Annexed as Exhibit 3 is a copy of an affidavit submitted by Defendant Captain Edward Williams III in Article 78 proceedings brought by Julian Cepeda, a New York City detainee transferred to the Albany County Correctional Facility.

8. Annexed as Exhibit 4 is a copy of the Declaration of Steven Espinal dated January 24, 2019, and previously filed by Plaintiffs in this case.

9. Annexed as Exhibit 5 is a copy of the Declaration of Ruben Dario Fernandez dated January 24, 2019, and previously filed by Plaintiffs in this case.

10. Annexed as Exhibit 6 is a FOIL response from the SCOC to me, dated October 26, 2018.

11. Annexed as Exhibit 7 is a FOIL response from the New York City Comptroller's Office to Nate File, a paralegal in our firm.

12. Annexed as Exhibit 8 is a copy of an affirmation submitted by Attorney Robert M. Quackenbush in Article 78 proceedings brought by Plaintiff Pariis Tillery concerning his transfer to the Albany County Correctional Facility.

13. Annexed as Exhibit 9 is a copy of the Declaration of Ronald Murray dated February 11, 2019, previously filed by the Albany County Defendants in this case.

14. Annexed as Exhibit 10 is a copy of a population and count sheet from the Albany County Correctional Facility dated July 4, 2018, previously filed by the Albany County Defendants as page 22 of Exhibit F to the Declaration of John W. Liguori dated February 11, 2019.

Dated: March 28, 2019
New York, New York

/s/
KATHERINE ROSENFELD